

# MADISON COUNTY

## UTILITY OCCUPANCY AND LOCATION AGREEMENT

Date Submitted: \_\_\_\_\_

Applicant/Utility: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**Requests on agreement to occupy the following location on County Right-of-Way for:**

1. Overhead \_\_\_\_\_ facilities
2. Underground \_\_\_\_\_ facilities
3. Other \_\_\_\_\_

**Location:**

1. County Road Name and/or Number: \_\_\_\_\_  
From: \_\_\_\_\_  
To: \_\_\_\_\_
2. Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ County \_\_\_\_\_

**Construction Prints:** Prints are attached and incorporated by this reference and indicate the above information in detail. Distance from R/W Line and Centerline ***must be provided.***

**Traffic Control:** The applicable minimum signing standard attached must be adhered to, unless additional signs are required.

If work is not commenced within 180 calendar days of the Agreement Approval date, this agreement is automatically void. Expired agreements may be re-approved by the \_\_\_\_\_ unless resubmission of a new agreement by the utility is necessary due to extensive changes.

It is necessary that utility notify the County Road Supervisor \_\_\_\_\_, Phone \_\_\_\_\_ at least 48 hours in advance of any work under this agreement, except for emergency situations.

This agreement is subject to compliance with the provisions of the Administrative Rules of Montana 18.7.201 through 18.7.241 including but are not limited to the following conditions and requirements:

- 1) The County shall not be liable to the general public for any injury to or death of any person whomsoever, or for the loss of or damage to property of any kind or nature to whomsoever belonging when such injury, death, loss or damage arises out of or results from the construction, maintenance, or repair of existing or future facilities located within the County right-of-way, or the installation or operation of such utility facilities within the County right-of-way, regardless of whether or not the County has expressed or implied approval of the construction, maintenance, repair, installation or operation of such facilities within the County right-of-way.
- 2) If the work under this agreement interferes with the drainage of the area affected, the utility agrees to resolve the problem at its own expense.
- 3) Any road signs, etc, that are removed to allow the utility's installations shall be replaced on the same day as per specifications.
- 4) All closures, markers or other identification are to be placed near the outer edge of the right-of-way or next to the right-of-way fence.
- 5) All areas that are excavated will be re-compacted, and disturbed areas restored to original like conditions.

(6) Requirements:

(A) **Overhead installations**

- (1) Vertical clearance shall meet the standards of the National Safety Codes.
- (2) Location will be at or near right-of-way line. Where right-of-way width and terrain features permit, the facilities shall be located not less than 30' from edge of traveled way. In urban areas the facilities will be located as far as practicable from the edge of pavement and no closer than 2' behind the curb line.
- (3) All downguys installed on new or added to existing structures not in parallel with the roadway **must** have the location called out on the permit. If the anchor is allowed within the 30' clear zone, it must be constructed, located, or protected such that it will not be a roadside hazard.

(B) **Underground Pipeline Installation**

- (1) Conform to all applicable National and State Codes. Location: longitudinal will be located as near the R/W line as practicable.
- (2) Bored and Pushed Crossings will be:
  - (a) 30" below adjacent ditches or ground line (42" if reasonably possible)
  - (b) no push pits closer than 10' from edge of asphalt
- (3) Open Trenching: on existing asphalt roads requires a special traffic control plan and will be considered only when pushing and boring fails.

(C) **Underground Cable**

- (1) Vertical Depth: Per NESC - Minimum Electrical 30" - Communications 24" (30" if reasonably possible). All crossings 42" below adjacent ditches or ground line if reasonably possible.
- (2) Location:
  - (a) First cable within 5' of unoccupied R/W from the R/W line.
  - (b) Any additional cable - 3' or less from existing cable.
  - (c) Four locations maximum per utility.
  - (d) Crossings will be as near as possible to right angles.
  - (e) No underground longitudinal occupancy under any pavement or surfacing courses except installations in curbed sections or built up areas **may** be permitted provided there are no border strips available for the installation.
  - (f) For hardship cases see Administrative Rules of Montana 28.7.224.
- 7) The approval is granted with the understanding the installation is made according to your plans as submitted. Field revisions may be made only with approved modification of this agreement. If the installation is not made as shown on the plans or approved amendment, the County at its discretion, may require the removal of the installation.
- 8) Any attachments to the agreement are hereby incorporated by reference.
- 9) The above-stated requirements are generally mandatory. Under unusual circumstances, deviations may be permitted, but the justification and the extent of the deviations must be specifically stated in writing.

Utility \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Madison County

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ By \_\_\_\_\_ Date \_\_\_\_\_